

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2020/62/94391/W

Site Address: 11, Trinity Street, Huddersfield, HD1 4DA

Description: Installation of air conditioning plant

Recommending Officer: Laura Yeadon

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Neil Bearcroft

AUTHORISED OFFICER

Date: 01-Mar-2021

Officer Report

Site Description

11 Trinity Street is a large vacant unit located within Huddersfield Town Centre as defined within the Kirklees Local Plan. The unit is a semi-detached unit and is single storey stone constructed building and sits within the corner of Trinity Street and Castlegate which forms the main ring road for the town centre. The surrounding area to the east are predominantly commercial and to the west is the ring road of Castlegate. To the north is New North Road Baptist Church and to the south, The Old Warehouse.

Description of Proposal

Permission is sought for the installation of air conditioning plant. The plant would incorporate:

- 2 No RXM50N9 AC Comms units, with a manufacturer's stated sound pressure level of 48dBA at 1m
- 1 No REYQ20U AC unit with a manufacturer's stated sound power level of 81dBA.

The units are proposed to be located on the western elevation of the building, set below the existing boundary wall fronting Castlegate.

2 no. proposed weather louvres are proposed to be located within the same elevation.

History of negotiations/amendments received

No negotiations have taken place however at the request of the Agent, a revised Heating and Cooling Services drawing was submitted on 18th January 2021, reference number E0988-00-11 Rev. C03 with the original plan superseded.

Relevant Planning History

1986/05433 Erection of non-illuminated shop sign
Refused – appeal dismissed

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date expired 25th February 2021 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Environmental Services – no objection subject to a condition relating to noise

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is within the Huddersfield Town Centre boundary on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 24** – Design
- **LP 52** – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable d
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 –Impact on visual amenity:

In terms of visual amenity, it is considered that the proposal would have a limited impact on amenity. The scheme proposes 3 no. air conditioning units and these would be located behind and below an existing boundary wall which faces Castlegate. As such, the units would be barely visible from public vantage points and therefore would cause little visual harm. 2 proposed weather louvres are proposed to be located within the same elevation which are also considered to be acceptable. Given the discrete position of the equipment and louvres the proposal would also not impact on the adjacent conservation area.

3 – Impact on residential amenity:

With regard to residential amenity, Policy LP24 advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. Given that the proposal includes the installation of air conditioning units, Environmental Services have been formally consulted. This should be assessed in accordance with Policy LP52 of the Kirklees Local Plan.

Comments from Environmental Services cite that a Plant Noise Assessment authored by CSG Acoustics dated 01/01/2021 Ref CSGA-C1799-T3 to support the application to install air conditioning plant - two Daikin front

discharge units that may operate for 24hrs a day and one Daikin top discharge VRF unit that will only operate during office hours (0700-1900).

Environmental noise measurements were carried out over a three day period from 1300hrs on the 4th of December 2020 to 1245hrs on the 7th of December 2020. Unsurprisingly, noise at the site is dominated by road traffic noise from the Castlegate and Trinity Street junction. The findings of the report show that the operation of the plant is predicted to be more than 10dB below the lowest typical measured background noise level and this is accepted.

As no objections have been received from Environmental Services and the submitted Noise Report concluding that noise levels would likely be inaudible at the closest, worst affected noise sensitive location it is considered that the proposal is acceptable in terms of the impact on noise and residential amenity.

As such, it is considered that the proposal is acceptable and would accord with Policies LP24 and L52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4 – Impact on highway safety:

None

5 – Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. Due to the small-scale nature of the development proposed, it is not considered necessary to request mitigation measures to be incorporated within the scheme.

6 – Representations:

None

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2020/94391

Officer Recommendation: Approve

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies, LP1, LP2, LP24 and LP52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. The combined noise from any fixed mechanical services and external plant and equipment when in operation at the site outlined in red on Dwg. No. P20-35522-001 shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	P20-35522-001		23 rd December 2020
Proposed elevations and floor plans	E0988-00-11 – Rev: C03		18 th January 2021
Noise Assessment	CSGA-C1799-T3		7 th January 2021
Covering letter	001b.nc. P20-3522		23 rd December 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development

Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No negotiations have taken place however at the request of the Agent, a revised Heating and Cooling Services drawing was submitted on 18th January 2021, reference number E0988-00-11 Rev. C03 with the original plan superseded.

Report Dated: 26th February 2021